

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Shelton	Team: Squad #11	CCRB Case #: 201901953	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/28/2019 6:30 AM	Location of Incident: [REDACTED]	Precinct: 60	18 Mo. SOL 8/28/2020	EO SOL 4/14/2021	
Date/Time CV Reported Tue, 03/05/2019 1:32 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 03/05/2019 1:32 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Sebastian Drozniak	1838	950351	WARRSEC
2. DT3 Efrain Gonzalez	3555	931692	WARRSEC
3. DT3 James Mcdermott	1424	947239	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Efrain Gonzalez	Abuse: Detective Efrain Gonzalez entered § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
B.DT3 Sebastian Drozniak	Abuse: Detective Sebastian Drozniak entered § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
C.DT3 James Mcdermott	Force: Detective James McDermott used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
D.DT3 James Mcdermott	Abuse: Detective James McDermott entered § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
E.DT3 Efrain Gonzalez	Abuse: Detective Efrain Gonzalez searched § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
F.DT3 James Mcdermott	Abuse: Detective James McDermott searched § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
G.DT3 Sebastian Drozniak	Abuse: Detective Sebastian Drozniak searched § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]

Case Summary

On March 5, 2019, § 87(2)(b) filed this complaint with the CCRB over the phone.

On February 28, 2019, at approximately 6:30 a.m., § 87(2)(b) was alone at her home located at § 87(2)(b) § 87(2)(b), in Brooklyn, where she lives with her son, § 87(2)(b), and two other children. § 87(2)(b) heard someone knocking on her apartment door and when she opened it, she saw Warrant Squad Brooklyn South's Det. Efrain Gonzalez, Det. James McDermott, and Det. Sebastian Drozniak, one of whom allegedly told her they had a warrant for her arrest. She stepped into the hallway and tried to close the door, but Det. Gonzalez allegedly blocked the door with his foot and then entered the apartment, followed by Det. Drozniak (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). Det. McDermott allegedly grabbed § 87(2)(b)'s right wrist (**Allegation C: Force, § 87(2)(g)**). Det. Gonzalez allegedly told Det. McDermott to let go of § 87(2)(b) and Det. McDermott also entered the apartment (**Allegation D: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) left her apartment building while Det. Gonzalez, Det. McDermott, and Det. Drozniak searched her apartment for § 87(2)(b) (**Allegation E to G: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) returned approximately one hour later to find the detectives were no longer in the apartment.

No arrests were made, and no summonses were issued during this incident.

Video evidence was obtained from surveillance cameras at § 87(2)(b) § 87(2)(b) in Brooklyn (BR 01-17). Officers from Warrant Squad Brooklyn South were not assigned body-worn cameras (BWC) at the time of the incident, thus no BWC footage capturing the incident was obtained.

Findings and Recommendations

Allegation A – Abuse of Authority: Detective Efrain Gonzalez entered § 87(2)(b) in Brooklyn.

Allegation B – Abuse of Authority: Detective Sebastian Drozniak entered § 87(2)(b) in Brooklyn.

Allegation D – Abuse of Authority: Detective James McDermott entered § 87(2)(b) in Brooklyn.

Surveillance footage from the § 87(2)(b) § 87(2)(b) provided by the building's management captures these allegations. In discussing the footage, the video player's durational timestamp will be referenced, not the onscreen timestamp. In one portion of footage, from 00:00 to 00:37, Det. Drozniak, Det. Gonzalez, and Det. McDermott exit an elevator and walk down a corridor to the front door of apartment 18N (BR 05). From 00:37 to 00:51, Det. Gonzalez grabs the doorknob with his right hand and leans his upper body toward the door. In a second portion of footage, the three detectives are still standing in front of the front door when from 00:25 to 00:31, Det. Gonzalez moves the left side of his upper body toward the door and § 87(2)(b) walks out of the apartment (BR 06). Due to the camera's angle and § 87(2)(b)'s jerky movements from exiting the threshold of her apartment to the hallway, it is unclear if she does so independently or if Det. Gonzalez physically pulls her out of the apartment. From 00:31 to 00:39, § 87(2)(b) walks toward the elevator as she apparently speaks with the detectives and Det. Gonzalez displays to her a piece of paper. From 00:39 to 01:28, the detectives appear to continue to briefly speak with § 87(2)(b) before she enters the elevator and exits the § 87(2)(b) § 87(2)(b). Det. Gonzalez, Det. Drozniak, and Det. McDermott all enter the apartment.

It is undisputed that on the incident date, Det. Gonzalez, Det. McDermott, and Det. Drozniak entered § 87(2)(b)'s residence and searched within it. Det. Gonzalez possessed active bench warrant #§ 87(2)(b) for § 87(2)(b) which was issued on § 87(2)(b). The bench warrant was assigned to Det. Gonzalez on February 27, 2019 and it was not vacated until § 87(2)(b).

§ 87(2)(b) (BR 18). The warrant listed § 87(2)(b) home address as that of § 87(2)(b)'s apartment. § 87(2)(b) testified that § 87(2)(b) resides in her apartment. The detectives went to the incident location intending to arrest § 87(2)(b) on the active bench warrant.

§ 87(2)(b) testified that she was showering when she first heard a loud banging on her front door (BR 19-20). She lives there with § 87(2)(b) and her two daughters, none of whom were home at the time. After 15 minutes, she asked through the closed door who was on the other side. A male voice stated through the closed door, "We have a warrant for § 87(2)(b) which is § 87(2)(b)'s maiden name. § 87(2)(b) realized that this was a police officer as they mentioned a warrant and assumed that the warrant related to an offense, she committed in Staten Island in the 1980s. § 87(2)(b) opened the door and stepped into the hallway. She did not testify to being pulled out of her apartment. She saw Det. Gonzalez, Det. McDermott, and Det. Drozniak. § 87(2)(b) attempted to close her door, but Det. Gonzalez put his foot in the doorway. § 87(2)(b) now outside the apartment, told Det. Gonzalez she was trying to close her door and identified herself as § 87(2)(b) Burns. Det. Gonzalez walked through the open doorway into § 87(2)(b)'s apartment, followed by Det. Drozniak and Det. McDermott. § 87(2)(b) felt unsafe reentering her apartment with the detectives, so she left the building to walk to the nearby Police Service Area (PSA) 1 stationhouse to seek help. Officers never mentioned § 87(2)(b) during the incident.

Before Det. Gonzalez went to the home address listed for § 87(2)(b) in the bench warrant, he verified that the address was accurate and recent but did not recall the steps he took (BR 21). At § 87(2)(b), an unidentified officer knocked on the door for several minutes as Det. Gonzalez listened by the door for any signs of activity inside the apartment. § 87(2)(b) answered through the closed door and Det. Gonzalez explained he and his partners were police officers and had a warrant for someone at that address. He did not recall mentioning that they were there looking for a specific female individual. § 87(2)(b) did not open the door or respond to his previous statement to her, so the detectives continued to knock for approximately ten minutes. § 87(2)(b) opened the door and entered the main corridor of the § 87(2)(b). She stepped into the hallway of her own accord and Det. Gonzalez recalled no physical interactions between officers and § 87(2)(b). She stated something along the lines of, "He's not here, but if you want to go in, you can check." Det. Gonzalez did not recall if he had already mentioned that detectives were looking for § 87(2)(b) or if § 87(2)(b) assume that her son was the subject of the warrant. She never tried to stop detectives from entering the apartment or verbally protested any such entry. She left the door open when she left. He did not recall her ever trying to close the door after it was opened or if any officers prevented the door from closing.

Det. Gonzalez did not recall what § 87(2)(b) did after she stepped out in the hallway but stated she never came into the apartment while the three detectives were inside. When presented the first portion of the above-referenced surveillance footage, Det. Gonzalez explained he used his hand to brace himself on the doorknob so that he could listen through the door and did not attempt to turn the knob or to open the door. When presented the second portion of the footage, Det. Gonzalez that right before § 87(2)(b) exited the apartment, she unexpectedly opened the door so he reacted quickly to blade his body to get out of the way of any potential threats coming out of the door and so he could assess the situation. He did not force or help the door open at that or any point and reiterated that § 87(2)(b) opened the door herself for the officers.

Det. McDermott and Det. Drozniak both testified they were following Det. Gonzalez into the apartment as they were assisting him with the execution of the bench warrant (BR 22-23). Det. Gonzalez told § 87(2)(b) through the closed door that they were police officers and had a warrant but neither Det. McDermott nor Det. Drozniak recalled if Det. Gonzalez at this point mentioned a specific individual they were looking for. When § 87(2)(b) left her apartment, stepping into the main corridor without any officer pulling her, she stated something along the lines of, "Fuck you. Take me to jail." Det. Gonzalez told her they were looking for § 87(2)(b). § 87(2)(b) stated he was her son, and she proceeded to walk away and exit to an elevator, leaving her door partially open. Det. McDermott and Det. Drozniak both stated no officers ever tried to force entry or prevent

the door from closing and they only entered after § 87(2)(b) left the door open upon her exit from the apartment. No officer had any physical interaction with her.

A warrant of arrest may be executed at any day and time. In order to effect the arrest, a police officer may enter any premises in which he reasonably believes the defendant to be present. Before such entry, he must give notice of his authority and purpose to an occupant thereof and if after giving such notice he is not admitted, he may force entry (New York State Criminal Procedure Law Section 120.80) (BR 24). A bench warrant must be executed in the same manner as a warrant of arrest, as provided in Section 120.80 (New York State Criminal Procedure Law Section 530.70.2) (BR 25).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation C – Force: Detective James McDermott used physical force against § 87(2)(b)

Surveillance footage from the § 87(2)(b) provided by the building’s management captures the incident at the time of this allegation. In discussing the footage, the video player’s durational timestamp will be referenced, not the onscreen timestamp. In one portion of footage at 00:25, the three detectives stand outside § 87(2)(b)’s front door. Det. Drozniak stands on the left with his back toward the camera, Det. Gonzalez is in the middle facing the door, and Det. McDermott is on the right with his back toward the camera. Two individuals, an adult with a walker and a child, are depicted in the foreground with the same line of sight as the camera. From 00:25 to 00:31, Det. Gonzalez moves the left side of his upper body toward the door and § 87(2)(b) walks out of the apartment (BR 06). She passes in front of Det. Gonzalez and then between Det. Drozniak and Det. McDermott. Det. Drozniak obscures the camera’s view of Det. McDermott and § 87(2)(b) at this point. From 00:31 to 00:51, § 87(2)(b) walks toward the elevator as she apparently speaks with the detectives and enters an elevator and out of view of the camera. § 87(2)(b)’s freedom of movement, from exiting her apartment and entering the elevator, does not appear to be inhibited in any way and no physical contact between her and any detective is clearly depicted.

§ 87(2)(b) testified that after Det. Gonzalez and Det. Drozniak entered her apartment, Det. McDermott grabbed § 87(2)(b)’s right wrist with one hand. He held her for more than two seconds but less than a minute. Det. Gonzalez told Det. McDermott to let go of her, which he did and then walked into the apartment. This was the only physical interaction § 87(2)(b) described between herself and officers.

No civilian witnesses were interviewed regarding this allegation as video evidence shows they were not in positions to observe it. § 87(2)(b) did not know the witnesses’ names, but stated

they likely live in the apartment directly next to hers.

Det. McDermott and Det. Drozniak both denied any physical interaction between detectives and § 87(2)(b). Det. Gonzalez did not recall any detectives having any physical interactions with § 87(2)(b) and did not recall anyone grabbing her. When presented the above-referenced footage, all three detectives' testimony was unchanged.

§ 87(2)(g)

Allegation E – Abuse of Authority: Detective Efrain Gonzalez searched § 87(2)(b) in Brooklyn.

Allegation F – Abuse of Authority: Detective James McDermott searched § 87(2)(b) in Brooklyn.

Allegation G – Abuse of Authority: Detective Sebastian Drozniak searched § 87(2)(b) in Brooklyn.

§ 87(2)(b) left her apartment building when Det. Gonzalez, Det. McDermott, and Det. Drozniak entered her apartment and she returned home approximately an hour later. Her door was closed and locked. The detectives were no longer there. She was not aware of anyone else who entered the apartment while she was gone. Inside, § 87(2)(b) noticed that her bed had moved, the contents of a closet in her bedroom had been thrown on the floor, the contents of two closets in a hallway had been thrown on the floor, a couch in her living room had been moved, and a closet by the front door had been opened.

Det. Gonzalez, Det. McDermott, and Det. Drozniak all stated they searched the apartment for § 87(2)(b) inside the residence. All detectives maintained they only looked in areas where a person could hide, such as under and behind beds and in closets. Det. Drozniak only recalled searching a bedroom. Det. Gonzalez and Det. McDermott both stated they looked in a bathroom in the shower area. Det. Gonzalez and Det. McDermott recalled searching the kitchen. After five to ten minutes, detectives ascertained that there was no one inside the residence and secured the door shut before leaving.

When executing an arrest warrant, a police officer may enter any premises in which he reasonably believes the defendant to be present. (New York State Criminal Procedure Law Section 120.80). A bench warrant must be executed in the same manner as a warrant of arrest, as provided in Section 120.80 (New York State Criminal Procedure Law Section 530.70.2).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- Det. Gonzalez has been a member of service for 17 years and has been subject in five other CCRB complaints with seven allegations, none of which were substantiated (see officer history), § 87(2)(g)

- Det. McDermott has been a member of service for 11 years and has been subject in two other CCRB complaints with three allegations, none of which were substantiated (see officer history). § 87(2)(g) [REDACTED]
- Det. Drozniak has been a member of service for eight years and has been subject in three other CCRB complaints with seven allegations, of which two were substantiated:
 - 201900835 involved substantiated allegations of an entry of premises and a search of premises. The Board recommended Charges and the NYPD has not rendered a final disposition.
 - § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- On February 3, 2020, a FOIL request was submitted with the Office of the New York City Comptroller and will be added to the case file upon receipt (BR 27).
- § 87(2)(b) [REDACTED]

Squad No.: 11

Investigator:	_____ Signature	Inv. Benjamin Shelton _____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	IM Edwin Peña _____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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